

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROQUE GUTIERRES ALMAZAN,	:	CIVIL ACTION
	:	NO. 13-151
Petitioner,	:	
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
et al.,	:	
	:	
Respondents.	:	

**O R D E R**

**AND NOW**, this **20th** day of **January, 2015**, after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (ECF No. 15) and Petitioner's objection thereto (ECF No. 17), and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** as follows:

- (1) The Report and Recommendation is **APPROVED** and **ADOPTED** in part;
- (2) Petitioner's Objection to the Report and Recommendation is **OVERRULED**;
- (3) The Petition for a Writ of Habeas Corpus (ECF No. 1-7) is **DENIED** and **DISMISSED WITH PREJUDICE**;
- (4) A certificate of appealability shall not issue; and

(5) The Clerk shall mark this case **CLOSED**.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.